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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,163	09/01/2000	Hiroshi Mikitani	KAK-001	5466
23353 7590 08/28/2007 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER BORISSOV, IGOR N	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/653,163	Applicant(s) MIKITANI ET AL.	
	Examiner Igor N. Borissov	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-13 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-13 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/04/2007 has been entered.

Response to Amendment

Amendment received on 03/29/2007 is acknowledged and entered. Claims 1, 10, 16, 17, 19-21 have been amended. Claims 1-4, 6, 8-13 and 16-26 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8-13 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg (US 2002/0161589) in view of Wendkos (US 5,983,196).

Independent Claims

Claims 1 and 16, Strandberg teaches a method and system for utilizing a computer network for conducting telemarketing campaign, comprising:

recording means (database 200) for recording information concerning customers, each of which has an electronic mail address [0018];

allocating uniquely an electronic mail address to each of participants [0018];
[0019];

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sending by a host a first electronic mail in which an electronic mail address is affixed as a unique access key to each one of a plurality of specified participants [0019]; recognizing said specified participants for a lottery by receiving a second electronic mail sent back to said electronic mail address from each of said participants [0020]; [0023].

Strandberg does not specifically teach that *said telemarketing campaign includes conducting a lottery; that said system includes means for limiting the customers so as to specify a main group for performing the lottery; and notifying each one of the participants of their result of said lottery.*

Wendkos teaches a method and system for conducting a lottery via the Internet, wherein participants are notified (are send messages to) of their result in said lottery, and wherein said system includes means for limiting the customers so as to specify a main group for performing the lottery (The function of the smart win process is to make awards to certain participant in a controlled manner) (C. 10, L. 56-67; C. 11, L. 15 – C. 12, L. 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said telemarketing campaign includes *conducting a lottery*, as disclosed in Wendkos, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include that said system includes *means for limiting the customers so as to specify a main group for performing the lottery*, as disclosed in Wendkos, because it would advantageously allow achieving specific business objectives, including keeping award expenditures within budget (Wendkos; C. 11, L. 28-30). And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include *notifying each one of the participants of their result of said lottery*, as disclosed in Wendkos, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Claim 10. Strandberg teaches a system for utilizing a computer network for conducting telemarketing campaign, comprising:

- storing means for storing information of customers [0018];
- means for uniquely allocating a keyword to be entered in a page of a URL, to each of participants [0018]; [0019];
- means for sending an electronic mail in which the keyword is affixed as a unique access key, to each of the participants [0019];
- means for recognizing an application from each of said participants when said participant accesses the page of said URL and enters the keyword [0020]; [0023].

Strandberg does not specifically teach that *said telemarketing campaign includes conducting a lottery; that said system includes means for limiting the customers so as to specify a main group for performing the lottery; and notifying each one of the participants of their result of said lottery.*

Wendkos teaches a method and system for conducting a lottery via the Internet, wherein participants are notified (are send messages to) of their result in said lottery, and wherein said system includes means for limiting the customers so as to specify a main group for performing the lottery (The function of the smart win process is to make awards to certain participant in a controlled manner) (C. 10, L. 56-67; C. 11, L. 15 – C. 12, L. 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said telemarketing campaign includes *conducting a lottery*, as disclosed in Wendkos, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include that said system includes *means for limiting the customers so as to specify a main group for performing the lottery*, as disclosed in Wendkos, because it would advantageously allow achieving specific business objectives, including keeping award expenditures within budget (Wendkos; C. 11, L. 28-30). And it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include *notifying each one of the participants of their result of said lottery*, as disclosed in Wendkos, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Claim 17. Strandberg teaches a system for utilizing a computer network for conducting telemarketing campaign, comprising:

- storing means for storing information of customers [0018];

- means for uniquely allocating a URL to each of participants [0018]; [0019]; means for sending an electronic mail in which the URL is affixed as a unique access key, to each of the participants [0019];

- means for recognizing an application from each of said participants when said participant accesses the page of said URL via e-mail [0020]; [0023].

Strandberg does not specifically teach that *said telemarketing campaign includes conducting a lottery; that said system includes means for limiting the customers so as to specify a main group for performing the lottery; and notifying each one of the participants of their result of said lottery.*

Wendkos teaches a method and system for conducting a lottery via the Internet, wherein participants are notified (are send messages to) of their result in said lottery, and wherein said system includes means for limiting the customers so as to specify a main group for performing the lottery (The function of the smart win process is to make awards to certain participant in a controlled manner) (C. 10, L. 56-67; C. 11, L. 15 – C. 12, L. 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said telemarketing campaign includes *conducting a lottery*, as disclosed in Wendkos, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg

and Wendkos to include that said system includes *means for limiting the customers so as to specify a main group for performing the lottery*, as disclosed in Wendkos, because it would advantageously allow achieving specific business objectives, including keeping award expenditures within budget (Wendkos; C. 11, L. 28-30). And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include *notifying each one of the participants of their result of said lottery*, as disclosed in Wendkos, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Claims 19, 20 and 21. Strandberg teaches a method and system for utilizing a computer network for conducting telemarketing campaign, comprising:

- storing information of customers in a database [0018];
- specifying participants for the campaign from a database[0018];
- providing at least one electronic mail address [0018];
- allocating uniquely an electronic mail address to each of participants [0018];
- [0019];

- sending by a host a first electronic mail in which an electronic mail address is affixed as a unique access key to each one of a plurality of specified participants [0019];
- recognizing said specified participants for a lottery by receiving a second electronic mail sent back to said electronic mail address from each of said participants [0020]; [0023].

Strandberg does not specifically teach that *said telemarketing campaign includes conducting a lottery; that said system includes means for limiting the customers so as to specify a main group for performing the lottery; and notifying each one of the participants of their result of said lottery*.

Wendkos teaches a method and system for conducting a lottery via the Internet, wherein participants are notified (are send messages to) of their result in said lottery, and wherein said system includes means for limiting the customers so as to specify a main group for performing the lottery (The function of the smart win process is to make

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awards to certain participant in a controlled manner) (C. 10, L. 56-67; C. 11, L. 15 – C. 12, L. 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg to include that said telemarketing campaign includes *conducting a lottery*, as disclosed in Wendkos, because it would advantageously stimulate interest of the audience to the campaign, thereby increase participation and potentially increase revenue. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include that said system includes *means for limiting the customers so as to specify a main group for performing the lottery*, as disclosed in Wendkos, because it would advantageously allow achieving specific business objectives, including keeping award expenditures within budget (Wendkos; C. 11, L. 28-30). And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg and Wendkos to include *notifying each one of the participants of their result of said lottery*, as disclosed in Wendkos, because it would advantageously provide convenience for the participants of not inquiring about the results by themselves.

Dependent Claims

Claims 2-4, 6, 11-13, 18 and 22, see reasoning applied to claims 1, 10, 16, 17, 19 and 20.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg in view of Wendkos and further in view of Sarno (US 6,024,641).

Claim 8. Strandberg in view of Wendkos teach all the limitations of claim 8, except specifically teaching that the URL of the page informing of said result is separated into one for a win of a prize and the other for a failure in winning the prize.

Sarno teaches a system for on-line lottery gaming, including means for registering participants for said lottery via a Web site, means for conducting said lottery

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and means for notifying said participants of a result of said on-line lottery, wherein said means for registration includes means for entering an electronic address of a participant (C. 7, L. 23-26) and wherein said means for notification includes means for sending said notification via an electronic mail (C. 6, L. 14-16), and further wherein the URL of the page informing said result is separated into one for a winner of a prize and the other for a loser in winning the prize (Figs. 3B, 6; C. 6, L. 14 – C. 7, L. 32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg in view of Wendkos to include that the URL of the page informing said result is separated into one for a winner of a prize and the other for a loser in winning the prize, as disclosed in Samo, because it would advantageously allow to simplify reading of the lottery results.

Claim 9, Samo teaches said system and method wherein by entering said access keyword and a mail address to which said access keyword is sent into the page informing said result, a page for the winner of the prize and a page of the loser in winning the prize can be accessed (C. 6, L. 14 – C. 7, L. 32). The motivation to combine references would be to simplify the access to the results of the lottery.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg in view of Wendkos and further in view of Libby et al. (US 6,193,605).

Claims 23-26, Strandberg in view of Wendkos teaches all the limitations of claims 23-26, except specifically teaching that that said means for conducting the lottery generates random number on the basis of the number of said participants, thereby obtaining the results of the lottery.

Libby et al. teaches a lottery system, wherein the identities of the grand prize participants may be stored in, for example, a grand prize data table (step 318) and the winner of the grand prize may be randomly selected by the random number generator 38 (step 320). Once the winner of the grand prize is selected, the name of the winner is broadcasted after the race (step 322) (C. 7, L. 62 – C. 8, L. 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Strandberg in view of Wendkos to include that that said means for conducting the lottery generates random number on the basis of the number of said participants, thereby obtaining the results of the lottery, as disclosed in Libby et al, because it would advantageously facilitates the conducting of said lottery.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6, 8-13 and 16-26 have been considered but are moot in view of the new ground(s) of rejection.

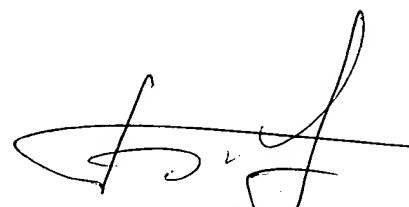
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

8/22/2007



IGOR N. BORISSOV
PRIMARY EXAMINER